

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

GEORGE E. DIEGNER,

CV 06-1552-ST

Petitioner,

OPINION AND ORDER

v.

GUY HALL,

Respondent.

REDDEN, Judge:

On April 21, 2008, Magistrate Judge Stewart issued her Findings and Recommendation (doc. 38) in the above-captioned case, recommending that Petitioner George E. Diegner's Amended Petition (doc. 23) for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied as untimely under the Antiterrorism and Effective Death Penalty Act. Magistrate Judge Stewart recommended that the case dismissed with prejudice.

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The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. The magistrate judge only makes recommendations to the district court, and any party may file written objections to those recommendations. When a party timely objects to any portion of the magistrate's judge's Findings and Recommendation, the district court must conduct a *de novo* review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court is not required to review the factual and legal conclusions of the magistrate judge, to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Stewart's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Stewart's analysis and conclusions. Accordingly, I ADOPT the Findings and Recommendation (doc. 38) without modification. The Amended Petition for Writ of Habeas Corpus (doc. 23) is DENIED.

IT IS SO ORDERED.

DATED this 15th day of May, 2008.

/s/ James A. Redden
James A. Redden
United States District Judge